



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

111546

K2825

GENERAL GOVERNMENT
DIVISION

FEBRUARY 12, 1980

B-197703

The Honorable Marion S. Barry, Jr.
Mayor of the District of Columbia
Washington, D.C. 20004

CN 6-52

111546



Dear Mayor Barry:

Subject: Delays in Developing and Implementing the
District of Columbia Government's Elements
of a Comprehensive Plan for the National
Capital (GCD-80-18)

The District of Columbia government's efforts to develop and implement the District's elements of the comprehensive plan for the National Capital--a document to guide the city's future development, including land use, housing, transportation, health, social services, and environment--have met with several delays. Time-consuming steps involved in the plan's development process; lack of adequate planning staff; and failure, in the past, to give adequate priority to municipal planning have all contributed to delays in the plan's development. Also, implementation of the only approved District plan element has been delayed because of a disagreement between the District and the National Capital Planning Commission concerning the timing of the Commission's statutory review of plan elements. The lack of such a plan could hinder the District from encouraging private sector development and from processing zoning changes.

Although the planning provisions of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (Home Rule Act) have been in effect for over 5 years, the District has not approved a plan. An original completion date, set for September 1978, was extended to late 1980 because of delays. According to District officials, the revised completion date will not be met and a new plan completion date has not been established.

A realistic schedule of completion milestones should be established to help assure timely plan development and implementation. Also, the issue concerning the timing of the National Capital Planning Commission's review of plan elements should be resolved.

008648

Letter Report

(427560)

In commenting on this report in December 1979, National Capital Planning Commission and District officials stated that an agreement had been reached on the timing of the Commission's review. Office of Planning and Development officials agreed with the report's conclusions and recommendations. They said they no longer expected to prepare and submit individual plan elements for adoption by the Council of the District of Columbia. Their current plans are to prepare a composite plan for submission to the Council in late 1981.

RESPONSIBILITY FOR DISTRICT PLANNING HAS CHANGED

Before Home Rule, the National Capital Planning Commission was responsible for developing a comprehensive plan for the District of Columbia's physical development. In February 1967, the National Capital Planning Commission published the Proposed Comprehensive Plan for the National Capital. Formal adoption was scheduled to occur in the same year; but as of June 30, 1974, all or parts of only 4 of the 19 plan elements had been adopted. According to a congressional study report, the lack of progress in adopting the plan was due largely to (1) executive work sessions which overburdened Commission members and (2) Commission staff working on other matters.

Under section 203 of the Home Rule Act, effective July 1, 1974, the Mayor was made responsible for coordinating planning activities and preparing and implementing the District's elements of a new comprehensive plan for the National Capital. The Mayor was required to establish procedures for citizen involvement and for consultation with any State, local government, or planning agency in the region affected by a proposed District plan element. The Mayor was also required to submit each plan element to the Council for adoption.

Under the act, each plan element must be transmitted to the Congress for a 30-day layover (excluding Saturdays, Sundays, and holidays and any day either House is not in session) before it could become effective. The act directed the National Capital Planning Commission to review plan elements to determine any impact on the Federal interest, to continue to plan for Federal activities in the National Capital, and to preserve the National Capital's important historical and natural features. The District's planning responsibilities do not extend to the buildings and grounds of the United States Capitol or to those under the care of the Architect of the Capitol. Planning responsibilities for such buildings and grounds remained with the Architect of the Capitol.

SLOW PROGRESS IN PREPARING
COMPREHENSIVE PLAN COULD IMPEDE
CITY'S DEVELOPMENT

Although the Home Rule Act planning provisions have been in effect for over 5 years, the District has approved only one of the proposed nine plan elements. Realistic timetables are needed for developing plan elements. Such timetables would help assure that a comprehensive plan is prepared within a reasonable time.

The Mayor established the Municipal Planning Office effective January 1, 1975. The office was responsible for developing an effective and workable plan with an update process. When the Municipal Planning Office was abolished on January 2, 1979, the newly established Office of Planning and Development was assigned responsibility to prepare elements of the District's comprehensive plan.

The Municipal Planning Office established nine elements (see enc. I) of its proposed comprehensive plan, which planning officials perceived as necessary to carry out the intent of the Home Rule Act. One plan element (the District of Columbia Comprehensive Plan Goals and Policies Act of 1978) was approved by the District in late 1978 and is a step toward developing other plan elements, such as land use, housing, transportation, and environment. Each of the goals and policies are supported by extensive background work and should help development of the other plan elements. In November 1978, a Municipal Planning Office official told us that, because the goals and policies serve as a guide for other elements, the other elements could be completed in about one-half the time required to approve the goals and policies element.

In response to questions raised at Senate hearings on the District's fiscal year 1979 appropriations, the District noted that the plan preparation process included a number of essential, time-consuming steps which caused delays in completing the plan. These included:

- Preparation of studies of existing District goals and policies.
- Preparation of working papers on identified goals.
- Revision of goals and identification of major policy concerns.
- Review of these goals and policy concerns by agencies and the community.

- Preparation of a complete draft bill of the goals and policies element annotated with information and background material.
- Review of the draft bill of the goals and policies element by agencies and the community.
- Final revisions and submissions.

The District noted that the elements then in preparation included land use, housing, economic development, transportation, and environment. It noted also that because of the extensive review process for the goals and policies element, time to prepare other elements would be shortened significantly. In December 1978 the Municipal Planning Office Director informed us that timely development of the plan was impeded by (1) other duties and responsibilities of the office, (2) planning process complexities set out in the Home Rule Act, and (3) the lack of adequate staff.

The District has developed some major segments of remaining plan elements which should expedite their ultimate approval. For example, the District has completed the major undertaking of compiling an inventory of vacant land. According to a planning official, draft sectional development and small area plans have been developed to meet the needs for certain communities, such as Friendship Heights, Takoma, and Georgetown-West End.

The Municipal Planning Office set September 1978 as the original completion date for developing the plan. However, because of delays in such steps as revising goals, preparing data, and obtaining approval of the goals and policies element, the completion date was extended to 1979 and then to late 1980.

In December 1978, a Municipal Planning Office official said their schedule was based on the assumption that the land use and housing elements would be approved and the transportation and environment elements would be submitted to the Council in 1979. In May 1979, however, Office of Planning and Development officials said that the Municipal Planning Office timetable would not be met. According to these officials, the land use element would not be adopted until late 1980. They are also examining the need to prepare nine specific plan elements and to combine certain elements. If separate elements are prepared, the housing element would be sent to the Council in late 1980 and the transportation and environmental elements would be sent to them in late 1980 or early 1981. A timetable for completing the entire comprehensive plan has not been established.

According to an official of the Office of Planning and Development's Planning Division, the Municipal Planning Office did not have adequate planning staff; the assigned staff spent most of its time producing studies and reports to meet Federal grant requirements rather than working on plan elements. He said the current administration is taking steps to create an organizational structure which would develop a timely comprehensive plan with sufficient staff and budget resources.

After our discussions with planning officials and the Council's General Counsel, the Council Chairman, in a July 1979 letter to the Mayor, commented on the importance of planning for the future development of the city. The Chairman stated that the planning program should be carried forward as soon as possible in accordance with clearly established completion timetables.

The future course of zoning is closely related to the plan's overall goals and policies and to the land use element. The goals and policies element, approved by the District in 1978, provided a framework for the District's existing and future objectives, programs, and activities. The land use element being prepared should consider land needs for housing, economic activity, environmental considerations, transportation networks, social service facilities, and leisure time activities.

The Home Rule Act requires that zoning maps and regulations not be inconsistent with the comprehensive plan. The goals and policies and land use elements should serve as a guide for zoning. The lack of these plan elements could cause uncertainties in the zoning process and affect the District's general development.

Without an approved comprehensive plan under the Home Rule Act, the Zoning Commission has used the 1968 National Capital Planning Commission plan and sectional development and small area plans as unofficial guides. However, court decisions concerning zoning cases have held that the District is not bound by the 1968 plan when making zoning adjustments.

The Council Chairman in commenting on the land use element, indicated it was the keystone to the District's future physical development. According to the Chairman, the completion of this element would assist the city's zoning process and provide needed guidance for many legislative and budgetary decisions.

QUESTION OVER THE TIMING OF THE
COMMISSION'S REVIEW DELAYS PLAN IMPLEMENTATION

Although the District has approved a plan element--goals and policies--the element has not been implemented because of a difference of opinion between the District and the National Capital Planning Commission concerning the timing of the Commission's review. To further the implementation of the comprehensive plan, the District and the Commission need to resolve this issue.

Before a plan element can be implemented, it must be submitted to the National Capital Planning Commission to determine any impact on the Federal interest. Under section 203 of the Home Rule Act, the Commission is authorized 60 days to assess the impact of plan elements on the Federal interest. If the Commission does not reply to the Council within 60 days after formal receipt of the element, it is deemed, insofar as the Commission is concerned, that no negative impact exists and that the element shall be implemented. ^{1/} Before the plan element can take effect, however, it also must be submitted to the Congress for a 30-day congressional review period. A concurrent resolution disapproving the element within the 30-day period will prevent the element from taking effect.

In November 1977, the Mayor submitted the first element of the proposed plan--the goals and policies--to the Council. The Council adopted the goals and policies element on September 19, 1978, and the Mayor approved it on October 18, 1978. By law, the element was required to be submitted to both the Commission and the Congress for the prescribed periods of review.

According to the Council's General Counsel, the goals and policies element was submitted to the National Capital Planning Commission on October 30, 1978. On January 18, 1979, the Council submitted the District of Columbia Comprehensive Plan Goals and Policies Act of 1978 to the Congress for the required 30-day congressional review period which expired on March 2, 1979. The Congress did not disapprove the act. The Commission's Secretary and General Counsel, however, stated that the Commission did not receive the Council's October 30, 1978, letter submitting

^{1/}The Council has statutory authority to grant an extension of the 60-day time limitation.

the approved goals and policies element for review and that the Commission was not required to perform a review until after the 30-day congressional layover.

The Home Rule Act does not explicitly require the Council to request the Commission's review before the congressional layover period, nor does the act preclude formal transmittal of the plan elements to the Commission before or concurrently with congressional review. The act directs transmittal of the plan elements to the Commission and the Congress before they "shall be implemented" (in the case of the Commission's review) or "shall take effect" (in the case of the Congress' review); otherwise the act is silent on the precise timing or order of referrals to either the Commission or the Congress. However, the tacit approval of both is clearly a necessary prerequisite to a plan element's status as enforceable law.

Subsequent to our inquiries concerning the Commission's review of the goals and policies element, the Council Chairman informed the Mayor on July 24, 1979, that he was resubmitting the goals and policies to the Commission for an expedited review. He also stated that the District should develop a procedure for submitting other plan elements to the Commission. The goals and policies element was resubmitted to the National Capital Planning Commission on September 21, 1979. The District has not developed procedures for submitting other elements to the Commission.

We believe that the plan should be submitted to and approved by the Commission before referral to the Congress. The Congress then would have the benefit of the Commission's views and would not be placed in the position of approving a plan that the Commission could later reject.

CONCLUSIONS

The District has experienced delays in developing its comprehensive plan elements. To help assure timely development of plan elements, the District should establish and monitor formal completion timetables and determine definitively the number of elements to be included in the plan.

Because the District and the National Capital Planning Commission differ on the timing of the Commission's review of plan elements, the goals and policies element approved by the District in October 1978 has not been implemented. Although the Council took action in September 1979 to obtain the Commission's review of this element, the basic issue

concerning the timing of the Commission's review remains unresolved and could delay implementation of other plan elements.

The goals and policies and land use elements should assist the zoning process. The District should emphasize implementing these two elements to help assure an efficient and responsive zoning program.

RECOMMENDATIONS

We recommend that the Mayor:

- Establish and monitor a realistic schedule for completing the District's comprehensive plan elements. This schedule should include appropriate benchmarks and review timeframes for each phase of the plan's development.
- Work with the National Capital Planning Commission and the Council to reach agreement on the timing of the Commission's review of plan elements.
- Give top priority to implementing the goals and policies and land use elements.

AGENCY COMMENTS

In commenting on this report in December 1979, National Capital Planning Commission and District officials said that agreement has been reached on the timing of the Commission's review. In the future, the plan will be submitted to and approved by the Commission before it is referred to the Congress for the 30-day congressional review period. Information obtained from the Commission's Secretary and General Counsel showed that the Commission found that the goals and policies element did not have a negative impact on the Federal interest.

The Assistant City Administrator for Planning and Development agreed with our conclusions and recommendations. He said individual comprehensive plan elements will not be prepared and submitted to the Council for adoption. Instead, a composite plan, which will include elements such as land use and transportation, will be prepared during the next 2 years for submission to the Council in late 1981.

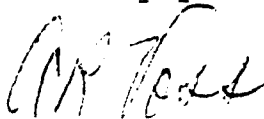
The Assistant City Administrator said tentative milestones have been established for various plan development phases. He said his office is contracting with a management consultant firm to assist in developing the plan and completion milestones.

-- -- -- --

Section 736(b)(3) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198, 87 Stat. 774), approved December 24, 1973, requires the Mayor, within 90 days after receiving a GAO report, to state in writing to the Council what has been done to comply with our recommendations and send a copy of the statement to the Congress. Section 442(a)(5) of the same act requires the Mayor to report, in the District of Columbia's annual budget request to the Congress, on the status of efforts to comply with such recommendations.

We are sending copies of this report to the Chairman, Subcommittee on Governmental Efficiency and the District of Columbia, Senate Committee on Governmental Affairs; the Chairman, House Committee on District of Columbia; other interested congressional committees; the Director, Office of Management and Budget; the Council of the District of Columbia; the Chairman, National Capital Planning Commission; and the City Administrator.

Sincerely yours,



Allen R. Voss
Director

Enclosure

Elements of the District of Columbia's Comprehensive Plan

Municipal Planning Office

1. Goals and Policies*
2. Land Use
3. Housing
4. Economics
5. Environmental (includes Energy)
6. Transportation
7. Health and Social Services
8. Recreation
9. Public Safety, Education and History, and Culture

*The District of Columbia Comprehensive Plan Goals and Policies Act of 1978 was adopted by the Council on September 19, 1978, and signed by the Mayor on October 18, 1978.